

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
CLERK OF COURT
2012 MAY -3 PM 2:00

R. Oak

RAYMOND W. BROWN,

Plaintiff,

vs.

HEIDI BUTLER and CAMDEN
COUNTY BOARD OF REGISTRARS,

Defendants.

CIVIL ACTION NO.: CV212-069

ORDER and MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff filed an action pursuant to 42 U.S.C. § 1983. Plaintiff also filed a motion to proceed *in forma pauperis*. The court must dismiss the complaint or any portion of the complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Plaintiff asserts that Defendant Heidi Butler denied him the right to vote. An individual "has a constitutionally protected right to participate in elections[.]" but this right to vote is "not absolute." Common Cause/Georgia v. Billups, 406 F. Supp. 2d 1326, 1359 (N.D. Ga. 2005) (quoting Dunn v. Blumstein, 405 U.S. 330, 336 (1972)). Under Georgia law, a person can be denied the right to vote if that person "has been convicted of a felony involving moral turpitude", GA. CONST. Art. II, § I, ¶ 3, until that person

completes the sentence, which includes incarceration, probation, and the paying of any fines related to the conviction. O.C.G.A. § 21-2-231(a).

Defendant Butler relied on O.C.G.A. § 21-2-231 in informing Plaintiff he could not vote until he completed his entire felony sentence and that he would be eligible to vote once his sentence is completed. (Doc. No. 1, p. 3). However, Plaintiff fails to set forth any assertions which reveal that his constitutional rights have been violated unjustly. Even if Defendant Butler's reliance on this statute and any accompanying information were mistaken, Plaintiff does not set forth allegations which reveal that his constitutional rights were violated.

Plaintiff's request to proceed *in forma pauperis* is **DENIED**. Plaintiff's Complaint should be **DISMISSED** based on his failure to state a claim on which relief may be granted.

SO ORDERED and **REPORTED** and **RECOMMENDED**, this 3rd day of May, 2012.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE